



Uniform Law Commission

2012 **2013** Annual Report

THE UNIFORM LAW COMMISSION
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MORE THAN A CENTURY OF SERVICE TO THE STATES



The Uniform Law Commission (ULC), now 122 years old, promotes uniformity of law among the several states on subjects as to which uniformity is desirable and practicable. The ULC improves the law by providing states with non-partisan, carefully-considered, and well-drafted legislation that brings clarity and stability to critical areas of the law. The ULC's work supports the federal system, seeks to maintain an appropriate balance between federal and state law, and facilitates the movement of individuals and the business of organizations with rules that are consistent from state to state.

Uniform Law Commissioners must be lawyers, qualified to practice law. They are lawyer-legislators, attorneys in private practice, state and federal judges, law professors, and legislative staff attorneys, who have been appointed by state governments as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas where uniformity is desirable and practical.

The Uniform Law Commission
111 N. Wabash Ave., Suite 1010 | Chicago, IL 60602
312-450-6600
www.uniformlaws.org

Officers and Executive Committee

Officers 2012-2013

Michael Houghton
President

Rex Blackburn
Vice President

Anita Ramasastry
Secretary

Charles A. Trost
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Robert A. Stein
Immediate Past President

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Chair, Executive Committee

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Appointed Members of Executive Committee

Harriet Lansing
Chair

Thomas J. Buiteweg

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Executive Director

John A. Sebert

PRESIDENT'S MESSAGE

Michael Houghton

ULC President



Since its establishment in 1892, the Uniform Law Commission remains dedicated to its founding mission of improving the law by bringing consistency, clarity and stability to state statutory law. Businesses and individuals benefit from the consistency and

certainty that ULC acts bring across the nation. The ULC helps the states keep their commercial laws uniform and current. Conflict between state laws is reduced, and the role and authority of state legislatures and state laws is defended by the ULC.

The ULC continues its important work. I am pleased to report that this year — the 122nd year of the Uniform Law Commission — our organization remains strong and our work maintains our traditional high quality.

I am proud that during my two years as President, we have sustained our success in protecting and improving the finances of the ULC. Working with our commissioners in each state, we maintained dues collections across the nation and received significant back-dues payments from a few states.

Along with increased state dues collections, we have been fortunate to secure increases in royalty contracts with existing publishers that reflect the value of ULC products. This revenue stream will help our fiscal situation in the years ahead.

Under the leadership of our Legislative Committee, our state legislative liaisons, and our legislative staff, our 2013 enactment record was very impressive. The 2013 legislative year has ended with 117 enactments and 225 introductions; officially, 2013 was our second-best year ever in terms of enactments. This was a true team effort. Our legislative program and our legislative resources continue to grow. I remain very optimistic about the important legislative work of this great organization.

And while our legislative success and our continued financial stability are very important, as well as other initiatives such as our work in federalism and our work in the international law, I highlight two accomplishments from my term as President.

First, the ULC completed a comprehensive new law directed against human trafficking. Human trafficking — a form of modern-day slavery — is a global concern that affects the United States on federal, state, and local levels. Human trafficking has become the second fastest growing criminal activity in the United States, behind only drug trafficking.

According to the *Polaris Project* (a leading organization in the global fight against human trafficking):

- 27 million: the estimated number of people in modern-day slavery around the world;
- 800,000: the estimated number of people trafficked across international borders each year;
- 1 million: the number of children exploited by the global commercial sex trade each year.
- 14,500 – 17,500: the estimated number of people trafficked into the U.S. each year;
- 244,000: the number of American children and youth estimated to be at risk of child sexual exploitation, including commercial sexual exploitation;
- 12 to 14: average age of entry into prostitution.

In recognition of this growing human trafficking crisis, the ULC began work in 2010 on a comprehensive law directed against human trafficking.

The Uniform Act on Prevention of and Remedies for Human Trafficking — approved in 2013 — addresses means of stopping tragic patterns of abuse which destroy lives and poison our society. The ULC worked at record speed to bring the Act to ABA House of Delegates a month later, where it was approved. Already, we see the signs of a good deal of interest and legislative activity in 2014.

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The Uniform Act on Prevention of and Remedies for Human Trafficking provides the three components necessary for ending human trafficking: comprehensive criminal provisions; provisions for victim services; and the establishment of a coordinating body to help government and non-government organizations coordinate their human trafficking activities. A comprehensive uniform act will enable federal, state, and local agencies to identify victims, provide needed services, and facilitate prosecution.

This Act may not fall squarely within any of our traditional subjects, but it is vitally important and reflects where the work of the ULC may go in providing a solution to this global crisis.

Crafting careful and thoughtful legislative solutions to the important issues of the day falls within the ULC's finest traditions. This Act, along with other projects, such as the Home Foreclosure Procedures Act and the Fiduciary Access to Digital Assets Act, may be "new" to this organization, but they each represent a difficult challenge which must be addressed. Who better than the Uniform Law Commission to carefully study and address these issues?

Second, the ULC History Committee was established with three primary goals: complete a film that details, in an entertaining and informative manner, the ULC's history; develop and complete a new written history of the ULC; and recommence the "oral history" project begun in 2007. I am happy to report that all three goals were successfully met.

The ULC video history was premiered at our 2012 annual meeting. We ended the video project with three versions of the ULC history: a 3-minute version, a 9-minute version, and a 20-minute version. All three versions are posted on the ULC's website, and we also have DVDs available. We were fortunate to have the participation of many distinguished individuals, including Justice Sandra Day O'Connor, who recognized our role and our importance in the history and the future of the development of America's law.

The "oral history" project was re-started in 2012 and continued in 2013 with interviews of ten past presidents. These interviews — along with future

interviews, which will ultimately be digitized and researchable — will be a valuable historical resource and record of the ULC.

The third and final goal of the ULC History Committee was the completion of a written history of this organization. Commissioner and Immediate Past President Robert A. Stein is the author of this new history. With support from LexisNexis, we published a hard-bound copy of the history. The book, which details the rich history of this organization, also provides insights into the legislative history of some of the most important and widely enacted uniform acts that are part of every state's statutes. LexisNexis is formatting an e-book, which, when completed, will be available on our website.

The History Project was very important because the ULC — with its unique contribution and its role of service to this country — should be celebrated. The final products, the history book and the videos, will serve as tools with which to educate the public, legislatures, policy makers and opinion leaders about the ULC. The video-taped oral histories will be a valuable resource for anyone interested in the work of the ULC.

The Uniform Law Commission remains committed to its founding principles. The ULC strives to work in a non-partisan manner to find common ground, build coalitions, and through that achieve legislative success in the states. As seen in the challenging projects we have undertaken in recent years, we continue to believe that statutory solutions can be found to our country's most challenging problems.

Thank you for allowing me to help lead you these two years as we have worked together on all of these important issues. It has been an honor and a privilege to serve as President these past two years. I am and always will be deeply grateful for the opportunity to lead our great organization.



No Slowing Down for the ULC Enactment Effort

The Uniform Law Commission is a unique institution created by state governments — and funded by state appropriations — to research, draft, and present to the states for enactment, uniform and model laws on subjects where uniformity of the law is useful or necessary.

No uniform law is effective until a state legislature adopts it. To that end, Uniform Law Commissioners work toward enactment of ULC acts in their home jurisdictions.

The 2013 legislative year ended with 225 introductions and 117 enactments, which turned out to be the second best year ever.

2010 Amendments to UCC Article 9, Secured Transactions

UCC Article 9, which governs secured transactions in personal property, has been adopted in every state. The 2010 Amendments to Article 9 of the UCC were adopted in 17 states in 2013, bringing its total number of enactments to 46. The 2010 Amendments to UCC9 address filing issues as well as other matters that have arisen in practice following over a decade of experience with the revised Article 9 (last revised in 1998). The 2010 amendments provide greater guidance regarding the name of an individual debtor to be provided on a financing statement.

The 2012 Amendment to UCC Article 4A

The 2012 Amendment to UCC Article 4A Section 108 has been enacted in 39 states, 37 in 2013. The amendment is necessary to accommodate a recent amendment to the Federal Electronic Funds Transfer Act (EFTA). The amendment clarifies the relationship of the scope of the EFTA to that of UCC4A in the context of remittance transfers. The amendment revises UCC §4A-108 to provide that Article 4A does apply to a remittance transfer that is not an electronic funds transfer under the EFTA.

Uniform Electronic Legal Material Act

The Uniform Electronic Legal Material Act (UELMA), promulgated in 2011, has now been enacted in eight states, including six in 2013. UELMA provides a technology-neutral, outcomes-based approach to ensuring that online state legal material deemed official will be preserved and will be permanently available to the public in unaltered form. It furthers states policies of accountability and transparency in providing legal information to the public.

The UELMA does not require specific technologies, leaving the choice of technology for authentication and preservation up to the states.

Uniform Deployed Parents Custody and Visitation Act

The Uniform Deployed Parents Custody and Visitation Act (UDPCVA), promulgated in 2012, has been enacted in four states: Colorado, Nevada, North Carolina and North Dakota. The UDPCVA addresses issues of child custody and visitation that arise when parents are deployed in military or other national service.

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NEW ACTS APPROVED IN 2013

The deployment of a custodial parent raises custody issues that are not adequately dealt with in the law of most states. There is a need to ensure that parents who serve their country are not penalized for their service, while still giving adequate weight to the interests of the other parent, and most importantly, the best interest of the child. The UDPCVA contains provisions that apply generally to custody matters of service members, as well as provisions that arise on notice of and during deployment. One of the key points of the Act provides that the mere absence of a military parent from a state will not be used to deprive that state of jurisdiction over custody. Parents should be free to serve their country in uniform without having their service held against them in a custody case.

Uniform Military and Overseas Voters Act

The Uniform Military and Overseas Voters Act (UMOVA) was enacted in four states in 2013, bringing its total now to 14 enactments. Military personnel and overseas civilians face a variety of challenges to their participation as voters in U.S. elections, despite repeated congressional and state efforts to facilitate their ability to vote.

The 2010 UMOVA establishes reasonable, standard timetables for application, registration, provision of ballots and election information for covered voters, and submission of ballots, and provides for the determination of the address that should be used for active-duty military and overseas voters. The act simplifies and expands, in a common sense fashion, the class of covered voters and covered elections. UMOVA allows voters to make use of electronic transmission methods for applications and receipt of registration and balloting materials, and for tracking the status of applications, and expands use of the Federal Post Card Application and Federal Write-In Absentee Ballot.

Uniform Interstate Depositions and Discovery Act

The Uniform Interstate Depositions and Discovery Act was enacted in four states in 2013, bringing its total to 32 enactments. The UIDDA provides simple procedures for courts in one state to issue subpoenas for out-of-state depositions. While every state has a rule governing interstate depositions, those rules vary from state to state. The Uniform Act provides procedures to enable a party in one state to effectuate depositions of witnesses, discover documents, or inspect premises in other states. The act has minimal judicial oversight; the goal is to simplify and standardize the current patchwork of procedures across the various states for deposing witnesses for purposes of out-of-state litigation.

Complete information on the ULC's legislative activity in the states can be found at the ULC's website at www.uniformlaws.org.

The culmination of the work of the Uniform Law Commission takes place at its annual meeting each summer, when the Commission convenes as a Committee of the Whole. At its 122nd Annual Meeting in Boston, Massachusetts, July 6-12, 2013, four new uniform acts or amendments to acts were considered and approved. After receiving the ULC's seal of approval, a uniform act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

Amendments to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Pertaining to International Proceedings

The 2013 Amendments to the UCCJEA were drafted and approved as part of the effort to implement the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children. The United States has signed the Convention, and the UCCJEA amendments constitute part of the implementing legislation. Federal legislation (which is not yet enacted) will implement the rest of the Convention. Although the ULC approved the Amendments to UCCJEA Pertaining to International Proceedings in 2013, because federal implementing legislation has not yet been drafted, the ULC does not intend to present the Amendments for state enactment at this time.

Uniform Powers of Appointment Act

A power of appointment is an estate planning tool that permits the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of permissible beneficiaries. It is an effective and flexible technique used in a wide variety of situations, but there is very little statutory law governing the creation and use of powers of appointment. Instead, estate planning attorneys must rely on a patchwork of state court decisions. The drafters of the Uniform Powers of Appointment Act did not set out to change the law, but rather to codify the existing common law, relying heavily on the Restatement (Third) of Property: Wills and other Donative Transfers. Therefore, estate planning attorneys will already be familiar with the act's provisions, and are likely to welcome the legal certainty that would result from its enactment.



Uniform Act on Prevention of and Remedies for Human Trafficking

The Uniform Act on Prevention of and Remedies for Human Trafficking is a comprehensive new law directed against human trafficking. Human trafficking — a form of modern day slavery — is a global concern that affects the United States on federal, state, and local levels. The federal Trafficking Victims Protection Act of 2000 identifies two primary forms of human trafficking: sex trafficking and labor trafficking. The Uniform Act provides the three components necessary for ending human trafficking: comprehensive criminal provisions; provisions for victim services; and the establishment of a coordinating body to help government and non-government organizations coordinate their human trafficking activities. A comprehensive uniform act will enable federal, state, and local agencies to better identify victims, provide needed services, and facilitate prosecution.

2013 Amendments to Harmonized Business Organization Acts

The objective of the Uniform Harmonized Business Organization Code (UHBOC) is to harmonize, to the extent possible, the language in the ULC's business entity acts (including the Model Entity Transactions Act, Uniform Partnership Act, Uniform Limited Partnership Act, Uniform Limited Liability Company Act, Uniform Statutory Trust Entity Act, Uniform Limited Cooperative Associations Act, Uniform Unincorporated Nonprofit Association Act, and the Model Registered Agents Act) so that the language in the provisions that are common in one or more of the acts are identical. Amendments to the UHBOC approved in 2013 address some technical corrections which need to be made since the act's promulgation in 2011.

Uniform Act On Prevention of and Remedies For Human Trafficking

Slavery still exists. More than a century and a half after slavery was abolished in this country, it continues to occur. Not the slavery that exists in our collective memory and in history books, but a different kind of bondage: invisible, silent, and horrific to those involved.

Not only does slavery exist, it is *growing*. Human trafficking — a form of modern-day slavery — has become the second fastest growing criminal activity in the United States, following drug trafficking.

While precise numbers are hard to determine, it is estimated that 27 million people around the world are victims of human trafficking.

Human trafficking is often called a “silent” crime. Silent because there are no firm estimates for the numbers of people trapped in slavery, and silent because victims can be hard to identify.

Victims are young children, teenagers, men and women. They can be found in numerous and varied places, often hiding in plain sight. Many victims of trafficking, particularly women and children, are exploited for purposes of prostitution and pornography. However, trafficking also takes place in diverse labor contexts, such as domestic work, nail salons, small businesses, factories, and agricultural work. Traffickers use force, fraud and coercion to compel women, men, and children to engage in these activities and remain trapped in their condition.

In recognition of the human trafficking crisis, the Uniform Law Commission drafted and approved an act directed against human trafficking: the **Uniform Act on Prevention of and Remedies for Human Trafficking** (UAPRHT). The UAPRHT offers

“When a man, desperate for work, finds himself in a factory or on a fishing boat or in a field, working, toiling, for little or no pay, and beaten if he tries to escape – that is slavery. When a woman is locked in a sweatshop, or trapped in a home as a domestic servant, alone and abused and incapable of leaving – that’s slavery. When a little boy is kidnapped, turned into a child soldier, forced to kill or be killed – that’s slavery. When a little girl is sold by her impoverished family – girls my daughters’ age – runs away from home or is lured by the false promises of a better life, and then imprisoned in a brothel and tortured if she resists – that’s slavery. It is barbaric, and it is evil, and it has no place in a civilized world.”

-President Barack Obama, Sept. 25, 2012

a comprehensive approach that holds traffickers accountable and provides critical support for victims. The Act received final approval at the ULC’s annual meeting in July 2013 and at the ABA’s House of Delegates in August 2013.

The Act has been described as “a major milestone,” a “groundbreaking” act, and a “game-changer” by those working most closely with law enforcement and victims.

Working with states to combat human trafficking

The UAPRHT enables states to update and strengthen their existing state laws with state-of-the-art provisions that reflect emerging best practices. Some states have comprehensive criminal laws on most facets of human trafficking. Others have only minimal criminal provisions. Some states cover all forms of labor and sex trafficking and protect all children under eighteen. Others may cover only sex trafficking or fail to protect all children under eighteen. Some states cover all methods that traffickers use to keep their workers as virtual slaves. Others do not cover some methods that traffickers use to ensure their workers remain under their control and unable to escape, such as threatening to hurt or kill the workers’ loved ones,

confiscating the workers’ immigration papers, or “debt bondage” (ensnaring victims in ever-rising and often-fictitious debt to be repaid through physical labor that can never satisfy the debt).

The three-pronged fight against human trafficking

The uniform act presents the three-pronged approach that law enforcement and victims’ advocates consider essential. **Under the first prong**, the uniform act seeks to prevent and to penalize the criminal conduct — trafficking, forced labor, and sexual servitude — at the core of human trafficking. Clear offenses are created that reflect the ways in which human traffickers operate: the act provides states the latitude to align the classification of offenses with existing state law. The act recognizes the forms of coercion that human traffickers use, including threats, force, debt bondage, abuse of the legal process, and use of a victim’s disability/mental impairment.

Section 1 (Short Title) and **Section 2** (Definitions) open the UAPRHT. In the Definitions section, key terms associated with human trafficking—including ‘coercion,’ ‘commercial sexual activity,’ and ‘debt bondage’ — are defined.

Section 3 (Trafficking an Individual) offers a comprehensive definition tied to the act’s provisions on forced labor (**Section 4**) and sexual servitude (**Section 5**). Trafficking occurs when a person “knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual.” The crime of forced labor occurs when a person knowingly uses coercion to compel an individual to provide labor or services (with enhanced penalties if the individual is a minor). Similarly, sexual servitude gives rise to an enhanced penalty when a minor is made available or maintained for the purposes of commercial sexual activity.

Two provisions (**Section 6**: Patronizing a Victim of Sexual Servitude and **Section 7**: Patronizing a Minor) augment existing criminal penalties in most

states for patrons of commercial sexual activity. Section 6 imposes felony-level punishment when the defendant offers anything of value to engage in commercial sexual activity with an individual that the defendant knows is a victim of sexual servitude. When the defendant intends to engage in commercial sexual activity with a minor and offers anything of value, felony-level penalties are imposed.

Section 8 (Business Entity Liability) establishes liability when an entity knowingly engages in human trafficking or does not effectively stop an employee or agent from doing so (when the entity knows of the human-trafficking activity). The Act creates an aggravating circumstance when the defendant (under Section 3, 4, or 5) recruited, enticed, or obtained the victim from a shelter for human-trafficking victims or others (**Section 9**).

Courts shall order persons convicted under Section 3, 4, or 5 to pay restitution to the victim (**Section 10**). On motion, a court shall order forfeiture of real or personal property used in or derived from human trafficking activities under Section 3, 4, or 5 (**Section 11**). The statute of limitations under the UAPRHT is twenty years (**Section 12**).

“When we think of the scale of modern-day slavery – literally tens of millions who live in exploitation – this whole effort can seem daunting. But it’s the right effort. And there are countless voiceless people, countless nameless people except to their families or perhaps a phony name by which they are exploited, who look to us for their freedom and for the possibility of life itself. It’s no understatement to say that we are working to tackle an issue that millions of people assumed had been dealt with long ago.”

-John Kerry, U.S. Secretary of State, June 19, 2013

Under its second prong, the uniform act provides essential protections for human trafficking victims. The identity and images of the victim and the victim’s family shall be kept confidential unless required for investigation or prosecution (**Section 13**). Consistent with states’ rape shield laws, the act prohibits evidence of the alleged victim’s past sexual behavior (**Section 14**).

Section 15 provides immunity to minors who are human trafficking victims and commit prostitution or nonviolent offenses directly resulting from being a victim and classifies such minors as children in need of services. Immunity for minors and the ability to seek vacation of convictions allow victims to rebuild their lives and restore their future.

An affirmative defense to a charge of prostitution or other non-violent offense is created (**Section 16**). All victims may seek vacation of convictions for prostitution or other non-violent offenses that directly resulted from being a human-trafficking victim (**Section 17**). **Section 18** allows victims to bring a civil action against their traffickers.

The act’s third prong promotes partnerships in the fight against human trafficking, elevates public awareness, and fosters development of coordinated victim services. A human-trafficking council is created to develop a systematic plan to assist victims, collect human trafficking data, and

promote awareness (**Section 19**). Public awareness signs and the national human trafficking hotline number are to be posted in locations where victims of human-trafficking are often found (**Section 20**). The act ensures that human-trafficking victims have access to a state’s crime victims’ compensation fund (**Section 21**). The act provides that law enforcement officers shall provide visa information to persons reasonably believed to be human-trafficking victims (**Section 22**). Finally, the act permits the state to grant funds — to the extent that funds are appropriated — to third-party providers of victim services (**Section 23**).

The advantages of uniformity

State enactment of this new uniform law will aid efforts to combat human trafficking in the United States. Uniformity will improve coordination and promote collaboration among law enforcement officers, prosecutors, NGOs, lawyers, and other stakeholders in the fight against human trafficking.” The act discourages ‘forum-shopping’ by traffickers who seek to operate in jurisdictions with fewer and/or lower criminal sanctions. National and regional victim-advocates organizations will be better able to advise victims across the country.

During the drafting process, the ULC Drafting Committee worked closely with representatives of a wide range of organizations, including the ABA Center for Human Rights, the ABA Task Force on Human Trafficking, the ABA Section on Business Law, the Polaris Project, the National Association of Attorneys General, the National Violence Against Women Project, the U.S. Department of State Office to Monitor & Combat Trafficking in Persons, Shared Hope International, the Global Freedom Center, LexisNexis, and representatives from a number of state and local prosecutors’ offices.

The Uniform Law Commission has worked for the uniformity of state laws since 1892. It receives the predominant portion of its financial support from state appropriations. Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount of dues, varying depending on the state’s population, for support of the ULC. All jurisdictions are also requested to reimburse the expenses of their commissioners incurred in attending the annual meeting. In return, the ULC provides the states with significant services, including both drafting uniform, well-researched, and well-crafted state laws on a range of legal subjects, and supporting the effort to enact these laws.

The ULC enables states to tap the skills and resources of the legal profession for very little cost. No Uniform Law Commissioner is paid for his or her services. Commissioners receive reimbursement only for actual expenses directly incurred in the course of their work with the ULC. The ULC estimates that each commissioner devotes an average 150 hours a year to ULC work, including service on various drafting committees and participation at the ULC Annual Meeting. These hours spent in research and drafting work— solid, substantive hours—have a cumulative value of more than \$10 million.

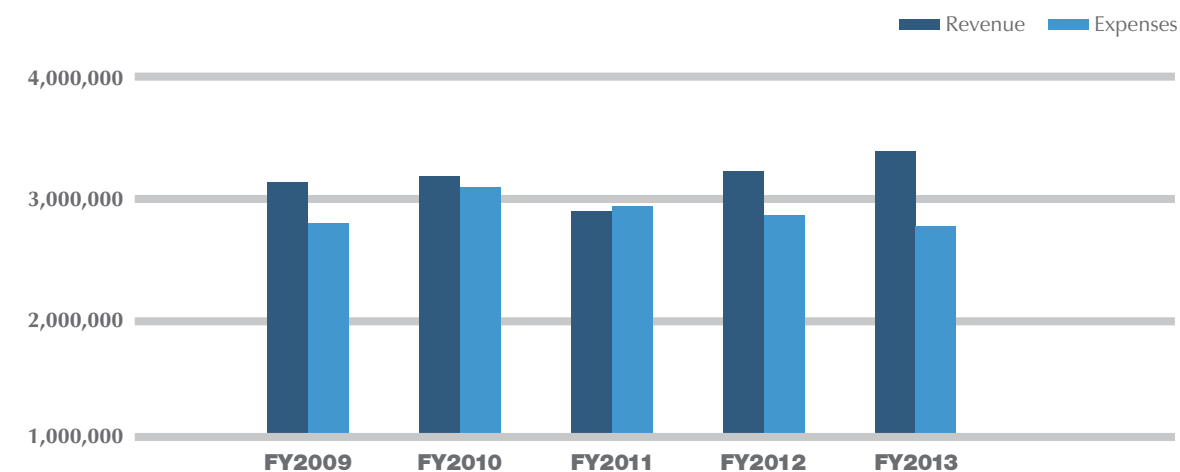


States would find it both difficult and expensive to replicate the work of the ULC on their own, especially with regard to highly complex subjects, such as commercial law or the law of probate and estates. Every Uniform or Model Act the ULC promulgates is developed over the course of two to three years at intensive weekend meetings. Each Act is read and debated on the floor of two ULC Annual Meetings by all of the assembled commissioners sitting as a Committee of the Whole.

Because ULC drafting projects are national in scope, the ULC attracts a broad range of advisors and observers, resulting in a drafting process that benefits from a greater range and depth of national, legal

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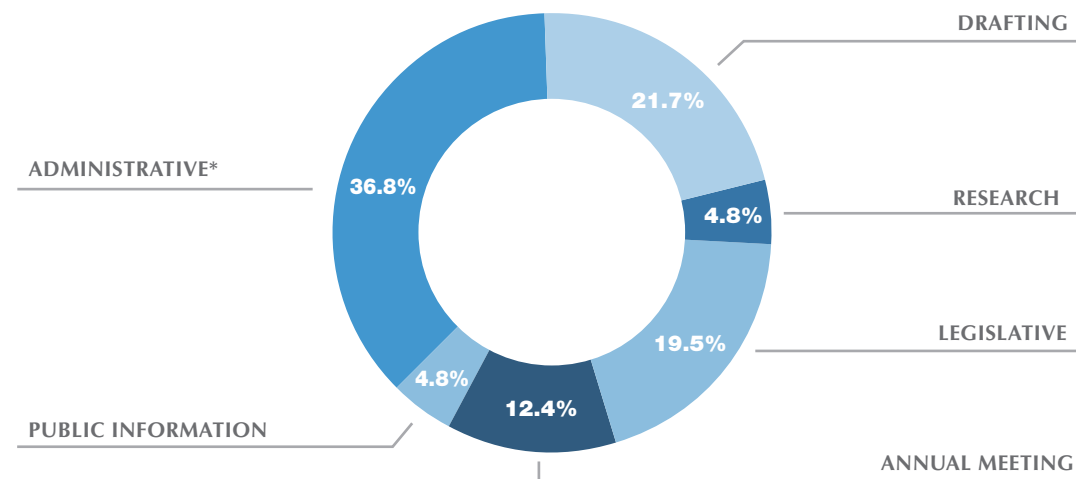
Revenues & Expenses



“It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it engenders public health and fuels violence and organized crime. I’m talking about the injustice, the outrage, of human trafficking, which must be called by its true name—modern slavery.”

-President Barack Obama, Sept. 25, 2012

Budget: For Fiscal Year Ending June 30, 2013



* This category includes occupancy costs, costs related to the ULF and to the ULC governance, general administrative and other expenses.

expertise than could be brought to bear by any individual state. In addition, the ULC contracts professional ‘reporters’— typically, law professors with significant expertise, but on appropriate occasions experienced practitioners are appointed as well — to aid in many of the drafting efforts. Reporters receive modest honoraria to support the research and drafting of ULC acts.

The budget of the ULC for the fiscal year ending June 30, 2013, was approximately \$3,340,000, with support from state governments in the total amount of \$2,060,800, accounting for 62% of the budget.

Grants from foundations and the federal government occasionally support specific educational and drafting efforts. All money received from any source is accepted with the understanding that the ULC’s drafting work is completely autonomous. No source may dictate the contents of any Act because of a financial contribution. By seeking grants for specific projects, the ULC expands the value of every state dollar invested in its work.

The Uniform Commercial Code (UCC) is a joint venture between the ULC and the American Law Institute (ALI). The ALI holds the Falk Foundation funds that are allocated to work on the UCC. The ALI funds any study or drafting projects related to the UCC, using the Falk Foundation funds, as well as proceeds from the

licensing of the publishing of UCC materials and other funds available to the ALI.

The Commission has also established royalty agreements with major legal publishers that reprint the ULC’s uniform and model acts in their publications.

The ULC has a very small staff, which keeps its operating costs as low as possible. The full-time staff of 13 (when fully staffed), located in Chicago, provides all of the staff support for the administrative, drafting, and legislative efforts.

The ULC has carefully examined and trimmed its budget. ULC staff and leadership continue to work to identify opportunities for cost savings. Over the past several years, the ULC has taken major steps to reduce expenses, including:

- Utilizing new technologies in the work of the drafting committees;
- Switching document distribution from paper to electronic format whenever possible, resulting in significant cost savings;
- Limiting the size of the staff by leaving one legislative attorney position unfilled.

Even in today’s economic climate, with states across the country continuing to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

CURRENT COMMITTEES

Drafting Committees

Uniform Law Commission drafting committees consist of a chair, several uniform law commissioners, and a reporter (usually a law professor with expertise in the subject matter). ULC seeks to have one or more ABA section advisors appointed to every drafting committee. Other interested groups are also invited to send representatives, known as observers. ULC drafting committees typically meet two or three times a year for at least two years. Drafting committee meetings are open to the public and full participation in the discussions is encouraged. All drafts are posted on the ULC’s website which enables public review and comment.

Currently, 14 drafting committees are working on new and revised uniform and model acts. Proposed acts are subject to rigorous examination and debate at Commission annual meetings before they become eligible for designation as Uniform Law Commission products.

The final decision on whether an act is ready for promulgation to the states is made near the close of an annual meeting, on a vote-by-states basis, with an affirmative vote of 20 or more states necessary for final approval.

Drafting Committee on a Model Act on Appointment and Powers of Real Estate Receivers

This Committee will draft a model act that authorizes the appointment of real estate receivers and sets forth the powers of real estate receivers.

Drafting Committee on Fiduciary Access to Digital Assets

This Committee will draft an act that will vest fiduciaries with at least the authority to manage and distribute digital assets, copy or delete digital assets, and access digital assets.



Drafting Committee on Amendments to the Uniform Fraudulent Transfer Act

This Committee will prepare amendments to the Uniform Fraudulent Transfer Act that address: choice of law for fraudulent transfers; presumptions and burdens of proof for fraudulent transfers; who receives “reasonably equivalent value” under Section 8(a); asset freezing orders; and the consistency of the UFTA with ULC unincorporated business organization acts.

Joint Drafting Committee with the Uniform Law Conference of Canada on Interjurisdictional Recognition of Advance Planning Documents

The Joint Committee will draft principles that will guide the drafting of uniform legislation for enactment in the United States and in Canada that provides for cross-border recognition of documents such as powers of attorney for both property and health care, health care instructions, and other documents (such as instructions concerning living arrangements) as appropriate.

Drafting Committee on a Home Foreclosure Procedures Act

This committee will draft an act that applies only to residential mortgages and that will be drafted as an overlay to, rather than a replacement of, existing state legislation.

Drafting Committee on a Revision of the Uniform Residential Landlord and Tenant Act

This committee will prepare revisions to the Uniform Residential Landlord and Tenant Act (1972), which has been adopted in 21 states and has influenced statutory developments in many other states. Since 1972, however, many new statutory and common law developments affect residential landlord and tenant law. The committee will seek to codify best current practices in a revised act.

Drafting Committee on Series of Unincorporated Business Entities

This Committee will draft series provisions that can be added to some or all of the uniform unincorporated business organization acts other than the Uniform Statutory Trust Entity Act.

Drafting Committee on Amendments to the Uniform Athlete Agents Act

The Uniform Athlete Agents Act (UAAA) was promulgated by the ULC in 2000, and has been enacted in 42 states. In recent years, however, substantial changes have occurred in the marketplace for athlete agents. A number of states have recently considered non-uniform amendments to the Act, particularly in response to allegations in the past two years of improper conduct by agents with regard to college athletes. The drafting committee will draft amendments to the UAAA that are appropriate in light of the experience with the 2000 Act.

Drafting Committee on Family Law Arbitration

This drafting committee will draft an act that provides authorization for the use of arbitration as a method of resolving some family law disputes and that will provide any special provisions, in addition to those in existing state arbitration legislation, that are necessary to facilitate the use of arbitration in family law matters.

Drafting Committee on Recognition and Enforcement of Canadian Domestic Violence Protection Orders

This committee will draft amendments to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act or a separate Act that will provide for recognition and enforcement of Canadian domestic violence protection orders in the United States.

Drafting Committee on Trust Decanting

Trust decanting is a nonjudicial method for modifying an irrevocable trust. This committee will draft an act on trust decanting, as a free-standing act or as an amendment to the Uniform Trust Code (or both), and will also monitor the effort of the Internal Revenue Service and the Department of the Treasury to draft and promulgate guidance on the tax treatment of trust decanting.

Drafting Committee to Revise the Uniform Unclaimed Property Act

The ULC first drafted uniform state legislation on unclaimed property in 1954. That act was then substantially revised in 1981 and again in 1995. While about 40 states have enacted a version of one of the uniform acts, few recent adoptions have occurred and various states have adopted revisions to their unclaimed property acts that are inconsistent with the current Uniform Act. Technological developments in recent years are not addressed in the current Uniform Act, as well as new types of potential unclaimed property, such as gift cards. This Committee will draft a revision of the Uniform Unclaimed Property Act in light of these developments.

Drafting Committee on a Wage Garnishment Act

For many companies, payroll is handled centrally rather than in individual offices. Wage garnishments, however, are governed by widely varying law in all of the states. This creates difficulties and inefficiencies in complying with wage garnishment orders. This committee will draft an act on wage garnishment.

Drafting Committee on a Model Tribal Probate Code

Federal legislation — the American Indian Probate Reform Act (AIPRA)— provides very limited legislation concerning probate issues in Indian Country; there are many probate law issues that are addressed in the Uniform Probate Code and existing law in most states as to which AIPRA is either silent or incomplete. This committee will collaborate with representatives of Tribal governments and others from Indian Country to draft a Model Tribal Probate Code that would supplement and “wrap around” AIPRA so as to be consistent with AIPRA.

Study Committees

ULC Study Committees review an assigned area of law in light of defined criteria and recommend whether ULC should proceed with a draft on that subject. Study Committees typically do not meet in-person, but when appropriate, Study Committees hold meetings with those interested in the subject that the committee is exploring in order to assist in gauging the need for uniform state legislation, the likely scope of any drafting project, and the potential support for a project. ABA advisors are appointed to Study Committees when such an appointment appears particularly useful. The current study committees are:

- Study Committee on Criminal Records Accuracy and Access
- Study Committee on Firearms Information
- Study Committee on Out-of-State Unsworn Declarations
- Study Committee on Portability and Recognition of Professional and Occupational Licenses of Military Spouses
- Study Committee on Social Media Privacy
- Study Committee on Third Party Rights to Child Custody and Visitation
- Study Committee on Trust Protectors
- Study Committee on a Model Veterans’ Court Act

- Joint Study Committee on Harmonization of the Law of Canada, Caribbean Nations, and the United States Concerning Registration of Foreign Judgments
- Joint Study Committee on Harmonization of the Law of Caribbean Nations and the United States Concerning Enforcement of Child Custody and Child Support Orders

Editorial Boards

Six Editorial Boards have been appointed with respect to uniform Acts in various subject areas. These Boards are responsible for monitoring new developments which may have an impact on the Acts and for making recommendations for revising existing Acts or drafting new Acts in their subject areas. The Editorial Boards are made up of members from the Uniform Law Commission, the American Bar Association, the American Law Institute, and other organizations.

- Permanent Editorial Board for Uniform Commercial Code
- Joint Editorial Board for Uniform Family Law
- Joint Editorial Board on International Law
- Joint Editorial Board for Uniform Real Property Acts
- Joint Editorial Board for Uniform Trust and Estate Acts
- Joint Editorial Board on Uniform Unincorporated Organization Acts

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SCOPE & PROGRAM

The Uniform Law Commission Welcomes Ideas for Uniform or Model Acts

Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from the organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party wishing to suggest an idea for a uniform or model act may contact the ULC headquarters office in Chicago, which will forward the suggestion to the Committee on Scope and Program.

Guidelines concerning the submission of ideas for new uniform or model acts can be found at the ULC's website at www.uniformlaws.org.

ABOUT THE UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), now in its 122nd year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.

ULC statutes are representative of state experience, because the organization is made up of representatives from each state, appointed by state government.

ULC keeps state law up-to-date by addressing important and timely legal issues.

ULC's efforts reduce the need for individuals and businesses to deal with different laws as they move and do business in different states.

ULC's work facilitates economic development and provides a legal platform for foreign entities to deal with U.S. citizens and businesses.

ULC Commissioners donate thousands of hours of their time and legal and drafting expertise every year as a public service, and receive no salary or compensation for their work.

ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners, but also utilizes input from legal experts, and advisors and observers representing the views of other legal organizations or interests that will be subject to the proposed laws.

ULC is a state-supported organization that represents true value for the states, providing services that most states could not otherwise afford or duplicate.